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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,410	12/04/2003	James S. McLean	5633-00101	7715
35617	7590	11/03/2004	EXAMINER LE, HOANGANH T	
CONLEY ROSE, P.C. P.O. BOX 684908 AUSTIN, TX 78768			ART UNIT 2821	PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,410

Applicant(s)

MCLEAN, JAMES S.

Examiner

HoangAnh T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 37 is/are allowed.
- 6) ☒ Claim(s) 22-29, 31 and 32 is/are rejected.
- 7) ☒ Claim(s) 30, 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/13/04 & 4/22/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The Preliminary Amendment filed on December 04, 2003 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 22,23,26-27, and 31 are rejected under 35 U.S.C. 102(b) as being anticipate by Brune et al (the US Patent No. 5,886,672, of record).

The Brune et al reference teaches in figures 1 and 11 an antenna, comprising: a monolithic first conductor 1 having a pair of opposed parallel surfaces and a cable guide arranged inside the conductor 1 and oriented in a direction substantially parallel to that of the opposed parallel surfaces; a length of insulated wire or cable 27 arranged within the guide, wherein the wire or cable 27 is maintained by the guide in a straight orientation along and within the conductor, and at least one conductive antenna element 2 attached to one of the opposed parallel surfaces of the first conductor. The antenna element 2 is oriented in a direction substantially perpendicular to that of the first

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conductor 1. The length of insulated wire 27 comprises an inner conductor surrounded by a dielectric sleeve (figure 13). The length of insulated wire further comprises an outer conductor 32 surrounding the dielectric sleeve (figure 13). The first conductor comprises a conductive bar, and the cable guide comprises an opening formed within the bar (figures 1 and 11).

4. Claims 22-25,28,29 and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Shepherd et al (the US 2003/0034931A1).

The Shepherd et al reference teaches in figures 1 and 4b an antenna, comprising: a monolithic first conductor 28,30 having a pair of opposed parallel surfaces and a cable guide arranged inside the conductor 28,30 and oriented in a direction substantially parallel to that of the opposed parallel surfaces; a length of insulated wire or cable (figure 4b) arranged within the guide, wherein the wire or cable is maintained by the guide in a straight orientation along and within the conductor (figure 4b), and at least one conductive antenna element 32-38 attached to one of the opposed parallel surfaces of the first conductor. The antenna element 32-38 is oriented in a direction substantially perpendicular to that of the first conductor 28,30 (figure 1). The cable guide is adapted to maintain, throughout the length of the conductor, an inner conductor of the insulated wire or cable within about one millimeter of a fixed lateral position within the guide (figure 4b). The cable guide is adapted to maintain the inner conductor within about 0.25 millimeters of the fixed lateral position (figure 4b, since the cable is located close to the wall of the conductor 46). The first conductor comprises a first conductive tube (page 2, para. [0037]). The first conductive tube has a rectangular cross-section

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(page 2, para. [0037]). The first conductor comprises a conductive bar, and the cable guide comprises an opening formed within the bar (figure 4b). Figure 4b shows a second conductor 30 having a pair of opposed parallel surfaces, wherein an inner conductor of the length of insulated wire or cable is electrically coupled to an end of the second conductor; and at least one conductive antenna element attached to one of the opposed parallel surfaces of the second conductor.

Allowable Subject Matter

5. Claims 30 and 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 36-37 are allowed.

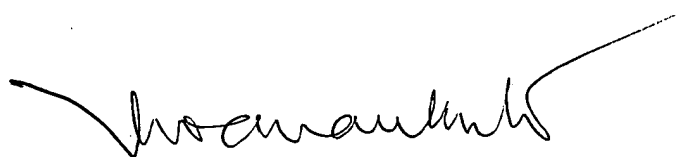
7. The following is a statement of reasons for the indication of allowable subject matter: none of the cited art discloses the cable guide comprising a second tube attached to an inner wall of the first tube or the conductor having a pair of opposed parallel surfaces and a convex surface connecting respective first ends of the pair of opposed surfaces to one another.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HoangAnh T Le whose telephone number is (571) 272-1823. The examiner can normally be reached on 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hoanganh Le', with a long, sweeping horizontal line extending to the right.

Hoanganh Le
Primary Examiner